

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSE ALFREDO JIMENEZ-AVILA,

Defendant.

8:09CR60

ORDER

This matter is before the court on the motion for an extension of time by defendant Jose Alfredo Jimenez-Avila (Jimenez-Avila) (Filing No. 19). Jimenez-Avila seeks an additional thirty days in which to file pretrial motions in accordance with the progression order. Jimenez-Avila's counsel represents that Jimenez-Avila will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Jimenez-Avila's counsel represents that government's counsel has no objection to the motion. Upon consideration and for good cause shown, the motion will be granted.

IT IS ORDERED:

Defendant Jimenez-Avila's motion for an extension of time and for a continuance of trial (Filing No. 19) is granted. Jimenez-Avila is given until **on or before December 31, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between November 30, 2009 and December 31, 2009, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 30th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge